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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KIRTI TIWARI, et al.,

9 Plaintiffs,

10 v.

11 JAMES MATTIS, Secretary, U.S.
Department of Defense, in his official
capacity,

12 Defendant.

C17-242 TSZ

MINUTE ORDER

13 The following Minute Order is made by direction of the Court, the Honorable
14 Thomas S. Zilly, United States District Judge:

15 (1) To ensure this document becomes part of the record, the Court attaches to
16 this Minute Order as Exhibit A the handout circulated by counsel for Defendant during
the hearing held on March 21, 2018. *See* docket no. 114.

17 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
record.

18 Dated this 5th day of April, 2018.

19 William M. McCool

20 Clerk

21 s/Karen Dews

22 Deputy Clerk
23

EXHIBIT A

UNCLAS F O U O

HQDA EXORD 109-18 INTERIM SECURITY CLEARANCES FOR SOLDIERS ACCESSED INTO THE ARMY THROUGH THE MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST (MAVNI) PILOT PROGRAM

HQDA EXORD 109-18 Annex A - G-2 Memo MAVNI Interim Security Clearance (05 Jan 18).pdf

Originator: DA WASHINGTON DC

DTG: 072253Z Mar 18 Precedence: P DAC: General

To: ARLINGTON NATIONAL CEMETERY ARLINGTON VA, ARNG NGB COMOPS ARLINGTON VA, ARNG NGB J3 JOC WASHINGTON DC, ARNGRC ARLINGTON VA, ARNGRC WATCH ARLINGTON VA, CDR 5 ARMY NORTH AOC FT SAM HOUSTON TX, CDR ATEC ABERDEEN PROVING GROUND MD, CDR FORSCOM DCS G3 CENTRAL TASKING DIV FT BRAGG NC, CDR FORSCOM DCS G3 CURRENT OPS FT BRAGG NC, CDR FORSCOM DCS G3 WATCH OFFICER FT BRAGG NC, CDR MDW J3 FT MCNAIR DC, CDR MDW JFHQ-NCR FT MCNAIR DC, CDR NETCOM 9THSC FT HUACHUCA AZ, CDR TRADOC CG FT EUSTIS VA, CDR TRADOC DCS G-3-5-7 OPNS CTR FT EUSTIS VA, CDR USAR NORTH FT SAM HOUSTON TX, CDR USARCENT SHAW AFB SC, CDR USAREUR CG WIESBADEN GE, CDR USAREUR G357 WIESBADEN GE, CDR USASOC COMMAND CENTER FT BRAGG NC, CDR USASOC FT BRAGG NC, CDR USASOC MESSAGE CENTER FT BRAGG NC, CDR1STIO FT BELVOIR VA, CDR3RD ARMY USARCENT WATCH OFFICER SHAW AFB SC, CDRAMC REDSTONE ARSENAL AL, CDRFORSCOM FT BRAGG NC, CDRHRC G3 DCSOPS FT KNOX KY, CDRINSCOM FT BELVOIR VA, CDRINSCOMIOC FT BELVOIR VA, CDRMDW WASHINGTON DC, CDRUSACE WASHINGTON DC, CDRUSACIDC FT BELVOIR VA, CDRUSACYBER FT BELVOIR VA, CDRUSACYBER G3 FT BELVOIR VA, CDRUSACYBER G33 FT BELVOIR VA, CDRUSAEIGHT G3 CUOPS SEOUL KOR, CDRUSAEIGHT SEOUL KOR, CDRUSAFRICA VICENZA IT, CDRUSAMEDCOM FT SAM HOUSTON TX, CDRUSARC G33 READ FT BRAGG NC, CDRUSARCYBER WATCH OFFICER FT BELVOIR VA, CDRUSARPAC CG FT SHAFTER HI, CDRUSARPAC FT SHAFTER HI, COMDT USAWC CARLISLE BARRACKS PA, HQ IMCOM FT SAM HOUSTON TX, HQ INSCOM IOC FT BELVOIR VA, HQ SDDC CMD GROUP SCOTT AFB IL, HQ SDDC COC OPS G3 SCOTT AFB IL, HQ SDDC OPS MSG CNTR SCOTT AFB IL, HQ USARSO FT SAM HOUSTON TX, HQ USARSO G3 FT SAM HOUSTON TX, HQDA ARMY STAFF WASHINGTON DC, HQDA ASALT ASC HQ WASHINGTON DC, HQDA CSA WASHINGTON DC, HQDA EXEC OFFICE WASHINGTON DC, HQDA IMCOM OPS DIV WASHINGTON DC, HQDA SEC ARMY WASHINGTON DC, HQDA SECRETARIAT WASHINGTON DC, HQDA SURG GEN WASHINGTON DC, MEDCOM HQ EOC FT SAM HOUSTON TX, NETCOM G3 CURRENT OPS FT HUACHUCA AZ, NGB WASHINGTON DC, SMDC ARSTRAT CG ARLINGTON VA, SMDC ARSTRAT G3 ARLINGTON VA, SUPERINTENDENT USMA WEST POINT NY, SURGEON GEN FALLS CHURCH VA, USAR AROC FT BRAGG NC, USAR CMD GRP FT BRAGG NC, USAR DCS G33 OPERATIONS FT BRAGG NC, USARCENT G3 FWD, USARPAC COMMAND CENTER FT SHAFTER HI, HQDA DCS G-2 INTEL WASHINGTON DC, CDRUSAREC FT KNOX KY, USAREC HQ FT KNOX KY, ALARACT

CC: HQDA AOC DAMO ODO OPS AND CONT PLANS WASHINGTON DC, HQDA AOC G3 DAMO CAT OPSWATCH WASHINGTON DC, HQDA AOC G3 DAMO OD DIR OPS READ AND MOB WASHINGTON DC

UNCLASSIFIED//FOR OFFICIAL USE ONLY//

(U) SUBJECT: HEADQUARTERS, DEPARTMENT OF THE ARMY (HQDA) EXECUTE ORDER (EXORD) 109-18 INTERIM SECURITY CLEARANCES FOR SOLDIERS ACCESSED INTO THE ARMY THROUGH THE MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST (MAVNI) PILOT PROGRAM//

(U) REFERENCES:

(U) REF//A/ MEMORANDUM, UNDER SECRETARY OF DEFENSE, PERSONNEL AND READINESS, 21 JUNE 2017, SUBJECT: MILITARY ACCESSIONS VITAL TO THE NATIONAL INTEREST PILOT PROGRAM//

(U) REF//B/ MEMORANDUM, OFFICE OF THE DEPUTY CHIEF OF STAFF, G-2 (DAMI-CD), 14 SEPTEMBER 2016, SUBJECT: GRANTING AND MANAGING INTERIM SECURITY CLEARANCES//

(U) REF//C/ ARMY REGULATION 380-67 (PERSONNEL SECURITY PROGRAM), 24 JANUARY 2014//

(U) REF//D/ DEPARTMENT OF DEFENSE (DOD) MANUAL 5200.02, (PROCEDURES FOR THE DOD PERSONNEL SECURITY PROGRAM), 03 APRIL 2017//

(U) REF//E/ MEMORANDUM, OFFICE OF THE DEPUTY CHIEF OF STAFF, G2 (DAMI-CD), 05 JANUARY 2018, SUBJECT: INTERIM SECURITY CLEARANCE FOR SOLDIERS WHO WERE ASSESSED INTO THE ARMY THROUGH THE MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST PILOT PROGRAM//

1. (U) SITUATION. ALL ARMY COMMANDERS ARE RESPONSIBLE FOR THE IMPLEMENTATION OF THE POLICIES AND GUIDANCE CONTAINED IN THE REFERENCES.
2. (U) MISSION. EFFECTIVE IMMEDIATELY, ALL ARMY COMMANDERS WILL ENSURE THAT THEIR SECURITY MANAGERS UNDERSTAND THAT ALL SOLDIERS WHO ENLISTED UNDER THE MAVNI PILOT PROGRAM AND BECAME NATURALIZED UNITED STATES CITIZENS BASED ON THEIR HONORABLE MILITARY SERVICE WILL BE CONSIDERED FOR SECURITY CLEARANCE ELIGIBILITY UNDER THE SAME TERMS, CONDITIONS, AND CRITERIA AS ANY OTHER UNITED STATES CITIZEN.
3. (U) EXECUTION.
 - 3.A. (U) INTENT: TO ENSURE THAT ALL SUPPORTING SECURITY MANAGERS HAVE BEEN PROVIDED CURRENT POLICY, AND UNDERSTAND HOW TO IMPLEMENT THE POLICY.
 - 3.B. (U) TASKS TO SUBORDINATE UNITS. ALL ARMY COMMANDS.
 - 3.B.1. (U) ALL ARMY COMMANDERS WILL ENSURE THAT THEIR SECURITY MANAGERS UNDERSTAND THAT ALL SOLDIERS WHO ENLISTED UNDER THE MAVNI PILOT PROGRAM AND BECAME NATURALIZED UNITED STATES CITIZENS BASED ON THEIR HONORABLE MILITARY SERVICE WILL BE CONSIDERED FOR SECURITY CLEARANCE ELIGIBILITY UNDER THE SAME TERMS, CONDITIONS, AND CRITERIA AS ANY OTHER UNITED STATES CITIZEN.
 - 3.B.2. (U) COMMANDERS WILL CONSIDER REQUESTS FOR INTERIM SECURITY CLEARANCE ELIGIBILITY FOR SOLDIERS WHO ENLISTED UNDER THE MAVNI PILOT PROGRAM AND WHO ARE UNITED STATES CITIZENS IN THE SAME MANNER AS THEY WOULD FOR ANY OTHER SOLDIER WHO IS A UNITED STATES CITIZEN.
 - 3.B.3. (U) COMMANDERS OR SECURITY MANAGERS WILL DIRECT QUESTIONS REGARDING INTERIM SECURITY CLEARANCE ELIGIBILITY FOR SOLDIERS WHO ENLISTED UNDER THE MAVNI PILOT PROGRAM TO THE OFFICE OF THE DEPUTY CHIEF OF STAFF, G-2, PERSONNEL SECURITY BRANCH AT 703-695-3060, OR EMAIL:
USARMY.PENTAGON.HQDA-DCS-G-2.MBX.G-2-PERSONNEL-SECURITY@MAIL.MIL.
 - 3.C. (U) COORDINATING INSTRUCTIONS. THE FIRST FLAG OFFICER IN THE CHAIN OF COMMAND OF ALL SOLDIERS WHO ENLISTED UNDER THE MAVNI PILOT PROGRAM WILL ACKNOWLEDGE RECEIPT OF THIS ORDER NLT 30 MARCH 2018 TO POCS LISTED IN PARAGRAPH 5..
4. (U) SUSTAINMENT. N/A.
5. (U) COMMAND AND SIGNAL: THE HQDA, ODCS, G-2 POINTS OF CONTACTS (POCS) FOR THIS ACTION ARE MS. PATRICIA STOKES, 703-695-2360 OR NIPRNET EMAIL: PATRICIA.P.STOKES.CIV@MAIL.MIL AND MR. PAUL WATKIN, 703-695-2581, OR NIPRNET EMAIL: PAUL.R.WATKIN.CIV@MAIL.MIL.
6. (U) THE EXPIRATION DATE OF THIS MESSAGE WILL REMAIN IN EFFECT

UNTIL FORMALLY RESCINDED BY THE HQDA, ODCS, G-2.

DISTRIBUTION:

PRINCIPAL OFFICIALS OF HEADQUARTERS, DEPARTMENT OF THE ARMY
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CF:

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DIRECTOR, ARMY RESERVE
DIRECTOR OF BUSINESS TRANSFORMATION
COMMANDER, EIGHTH ARMY

ATTACHMENTS:

ANNEX A - (U) HQDA, DCS, G-2 MEMO 05 JAN 2018 - INTERIM SECURITY
CLEARANCE GUIDANCE FOR SOLDIERS WHO WERE ACCESSED INTO THE ARMY
THROUGH THE MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST PILOT
PROGRAM.

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